

R E M A R K S

This is in response to the Office Action that was mailed on March 24, 2005. Applicants gratefully acknowledge the indicated allowability of claims 2 and 9-12. Claims 1, 5, and 18 are amended to focus more specifically on the present invention. No new matter has been introduced. Claims 1-23 are pending in the application.

Claims 18-22 were rejected under 35 U.S.C. §102(e) as being anticipated by US 6,677,101 B2 (Nishi). Office Action, pages 2-3. It is noted that the disclosure of the Nishi patent was apparently published as US 2002/0132182 A1 on 19 September 2002. Applicants have amended independent claim 18 to avoid the Nishi disclosure. Accordingly, withdrawal of this ground of rejection is respectfully solicited.

Claims 1 and 3-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nishi in view of US 6,774,258 B2. Office Action, pages 4-6. It is noted that the disclosure of US 6,774,258 B2 was apparently published as US 2002/0072579 A1 on 13 June 2002. Applicants have amended independent claims 1 and 5 to avoid this rejection. Specifically, nothing in the references, alone or in combination, teaches or suggests the use of a monomer in which R¹ and R² are both at least ethyl groups in Formula (1) of claim 1 or in Formulae (1b) and (1c) in claim 5. Accordingly, withdrawal of this ground of rejection is respectfully solicited.

Claims 1, 4, and 13-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over US 6,586,157 B2 in view of US 6,280,900 B1 (Chiba). Office Action, pages 6-8. It is noted that

the disclosure of US 6,586,157 B2 was apparently published as US 2001/0044071 A1 on 22 November 2001. Claims 1, 4-8, and 18-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over US 6,596,463 B2 in view of Chiba. Office Action, pages 8-10. The disclosure of US 6,596,463 B2 was apparently published as US 2002/0004178 A1 on 10 January 2002. The Examiner acknowledges that US 6,586,157 B2 and US 6,596,463 B2 fail to teach or suggest the presently claimed subject matter. However, the Examiner argues that Chiba makes it obvious to substitute a tetrahydrofuranyl group for the cyclopentyl group in the first repeat unit of the polymer disclosed by the primary references. Even if one does that, the hypothetical moiety produced in that way bonds to the oxy oxygen of the oxycarbonyl group at a carbon of the tetrahydrofuranyl ring which tetrahydrofuranyl ring carbon atom is also attached to a cyclohexyl moiety. In contrast, in the present invention, the oxy oxygen of the oxycarbonyl group is bonded at a carbon of the cyclopentyl group (and that cyclopentyl ring carbon atom is also attached to a moiety such as a tetrahydrofuranyl ring). That is, in the theoretical prior art combination, a single carbon atom is attached to two oxygen atoms (that in the tetrahydrofuranyl ring and that in the oxycarbonyl group) – a highly “charged” setting – while in the present invention, at the analogous position there will always be at least two carbons between oxygen atoms. This difference in structure is presumptively significant. Clearly, the rejection of claims 1, 4, and 13-23 over US 6,586,157 B2 in view of Chiba, and the rejection of claims 1, 4-8, and 18-23 over US 6,596,463 B2 in view of Chiba, are unwarranted.

The Examiner is respectfully requested to withdraw all rejections of record and to pass this application to Issue.

Application No.: 10/671,948

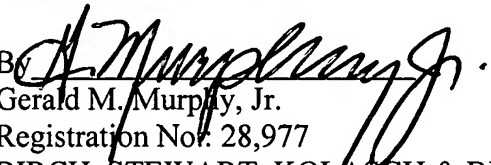
Docket No.: 0171-1023P

If the Examiner has any questions or comments, please contact Richard Gallagher, Reg. # 28,781, at the offices of Birch, Stewart, Kolasch & Birch, LLP at the number listed below.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 02-2448, under Order No. 0171-1023P from which the undersigned is authorized to draw.

Dated: June 24, 2005

Respectfully submitted,

By 
Gerald M. Murphy, Jr.
Registration No. 28,977
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Rd
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorneys for Applicant